



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1762

Introduced 2/20/2015, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02	from Ch. 102, par. 41.02
5 ILCS 140/2	from Ch. 116, par. 202
325 ILCS 5/7.3d new	

Amends the Open Meetings Act and the Freedom of Information Act. Provides that "public body" does not include the Child Care Facility Investigation Workgroup established under the Abused and Neglected Child Reporting Act. Amends the Abused and Neglected Child Reporting Act. Provides that on or before January 1, 2016, the Department of Children and Family Services shall convene a multi-disciplinary child care facility investigation workgroup to identify areas for improvement in the quality of investigations of child abuse and neglect. Sets forth the composition of the workgroup. Requires the Department to provide to the workgroup, upon request, all records and information in the Department's possession relevant to the workgroup's review of reports of abuse or neglect made to the Department's State-wide toll free telephone number, and relevant to the workgroup's review of investigations of allegations of abuse or neglect of children or adult residents who are in child care facilities licensed by the Department under the Child Care Act of 1969, transitional living programs, or unlicensed foster homes. Requires the workgroup to review indicated and unfounded reports of child abuse or neglect. Provides that meetings of the workgroup shall be closed to the public and are not subject to the Open Meetings Act; and that records and information provided to the workgroup and records maintained by the workgroup are confidential and are not subject to the Freedom of Information Act. Contains provisions concerning reporting requirements for both the workgroup and the Department.

LRB099 10388 KTG 30615 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. The Open Meetings Act is amended by changing
5 Section 1.02 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering, whether in person or by
9 video or audio conference, telephone call, electronic means
10 (such as, without limitation, electronic mail, electronic
11 chat, and instant messaging), or other means of contemporaneous
12 interactive communication, of a majority of a quorum of the
13 members of a public body held for the purpose of discussing
14 public business or, for a 5-member public body, a quorum of the
15 members of a public body held for the purpose of discussing
16 public business.

17 Accordingly, for a 5-member public body, 3 members of the
18 body constitute a quorum and the affirmative vote of 3 members
19 is necessary to adopt any motion, resolution, or ordinance,
20 unless a greater number is otherwise required.

21 "Public body" includes all legislative, executive,
22 administrative or advisory bodies of the State, counties,
23 townships, cities, villages, incorporated towns, school

1 districts and all other municipal corporations, boards,
2 bureaus, committees or commissions of this State, and any
3 subsidiary bodies of any of the foregoing including but not
4 limited to committees and subcommittees which are supported in
5 whole or in part by tax revenue, or which expend tax revenue,
6 except the General Assembly and committees or commissions
7 thereof. "Public body" includes tourism boards and convention
8 or civic center boards located in counties that are contiguous
9 to the Mississippi River with populations of more than 250,000
10 but less than 300,000. "Public body" includes the Health
11 Facilities and Services Review Board. "Public body" does not
12 include a child death review team or the Illinois Child Death
13 Review Teams Executive Council established under the Child
14 Death Review Team Act, an ethics commission acting under the
15 State Officials and Employees Ethics Act, a regional youth
16 advisory board or the Statewide Youth Advisory Board
17 established under the Department of Children and Family
18 Services Statewide Youth Advisory Board Act, the Department of
19 Children and Family Services' Child Care Facility
20 Investigation Workgroup established under Section 7.3d of the
21 Abused and Neglected Child Reporting Act, or the Illinois
22 Independent Tax Tribunal.

23 (Source: P.A. 97-1129, eff. 8-28-12; 98-806, eff. 1-1-15.)

24 Section 5. The Freedom of Information Act is amended by
25 changing Section 2 as follows:

1 (5 ILCS 140/2) (from Ch. 116, par. 202)

2 Sec. 2. Definitions. As used in this Act:

3 (a) "Public body" means all legislative, executive,
4 administrative, or advisory bodies of the State, state
5 universities and colleges, counties, townships, cities,
6 villages, incorporated towns, school districts and all other
7 municipal corporations, boards, bureaus, committees, or
8 commissions of this State, any subsidiary bodies of any of the
9 foregoing including but not limited to committees and
10 subcommittees thereof, and a School Finance Authority created
11 under Article 1E of the School Code. "Public body" does not
12 include a child death review team or the Illinois Child Death
13 Review Teams Executive Council established under the Child
14 Death Review Team Act, or a regional youth advisory board or
15 the Statewide Youth Advisory Board established under the
16 Department of Children and Family Services Statewide Youth
17 Advisory Board Act, or the Department of Children and Family
18 Services' Child Care Facility Investigation Workgroup
19 established under Section 7.3d of the Abused and Neglected
20 Child Reporting Act.

21 (b) "Person" means any individual, corporation,
22 partnership, firm, organization or association, acting
23 individually or as a group.

24 (c) "Public records" means all records, reports, forms,
25 writings, letters, memoranda, books, papers, maps,

1 photographs, microfilms, cards, tapes, recordings, electronic
2 data processing records, electronic communications, recorded
3 information and all other documentary materials pertaining to
4 the transaction of public business, regardless of physical form
5 or characteristics, having been prepared by or for, or having
6 been or being used by, received by, in the possession of, or
7 under the control of any public body.

8 (c-5) "Private information" means unique identifiers,
9 including a person's social security number, driver's license
10 number, employee identification number, biometric identifiers,
11 personal financial information, passwords or other access
12 codes, medical records, home or personal telephone numbers, and
13 personal email addresses. Private information also includes
14 home address and personal license plates, except as otherwise
15 provided by law or when compiled without possibility of
16 attribution to any person.

17 (c-10) "Commercial purpose" means the use of any part of a
18 public record or records, or information derived from public
19 records, in any form for sale, resale, or solicitation or
20 advertisement for sales or services. For purposes of this
21 definition, requests made by news media and non-profit,
22 scientific, or academic organizations shall not be considered
23 to be made for a "commercial purpose" when the principal
24 purpose of the request is (i) to access and disseminate
25 information concerning news and current or passing events, (ii)
26 for articles of opinion or features of interest to the public,

1 or (iii) for the purpose of academic, scientific, or public
2 research or education.

3 (d) "Copying" means the reproduction of any public record
4 by means of any photographic, electronic, mechanical or other
5 process, device or means now known or hereafter developed and
6 available to the public body.

7 (e) "Head of the public body" means the president, mayor,
8 chairman, presiding officer, director, superintendent,
9 manager, supervisor or individual otherwise holding primary
10 executive and administrative authority for the public body, or
11 such person's duly authorized designee.

12 (f) "News media" means a newspaper or other periodical
13 issued at regular intervals whether in print or electronic
14 format, a news service whether in print or electronic format, a
15 radio station, a television station, a television network, a
16 community antenna television service, or a person or
17 corporation engaged in making news reels or other motion
18 picture news for public showing.

19 (g) "Recurrent requester", as used in Section 3.2 of this
20 Act, means a person that, in the 12 months immediately
21 preceding the request, has submitted to the same public body
22 (i) a minimum of 50 requests for records, (ii) a minimum of 15
23 requests for records within a 30-day period, or (iii) a minimum
24 of 7 requests for records within a 7-day period. For purposes
25 of this definition, requests made by news media and non-profit,
26 scientific, or academic organizations shall not be considered

1 in calculating the number of requests made in the time periods
2 in this definition when the principal purpose of the requests
3 is (i) to access and disseminate information concerning news
4 and current or passing events, (ii) for articles of opinion or
5 features of interest to the public, or (iii) for the purpose of
6 academic, scientific, or public research or education.

7 For the purposes of this subsection (g), "request" means a
8 written document (or oral request, if the public body chooses
9 to honor oral requests) that is submitted to a public body via
10 personal delivery, mail, telefax, electronic mail, or other
11 means available to the public body and that identifies the
12 particular public record the requester seeks. One request may
13 identify multiple records to be inspected or copied.

14 (h) "Voluminous request" means a request that: (i) includes
15 more than 5 individual requests for more than 5 different
16 categories of records or a combination of individual requests
17 that total requests for more than 5 different categories of
18 records in a period of 20 business days; or (ii) requires the
19 compilation of more than 500 letter or legal-sized pages of
20 public records unless a single requested record exceeds 500
21 pages. "Single requested record" may include, but is not
22 limited to, one report, form, e-mail, letter, memorandum, book,
23 map, microfilm, tape, or recording.

24 "Voluminous request" does not include a request made by
25 news media and non-profit, scientific, or academic
26 organizations if the principal purpose of the request is: (1)

1 to access and disseminate information concerning news and
2 current or passing events; (2) for articles of opinion or
3 features of interest to the public; or (3) for the purpose of
4 academic, scientific, or public research or education.

5 For the purposes of this subsection (h), "request" means a
6 written document, or oral request, if the public body chooses
7 to honor oral requests, that is submitted to a public body via
8 personal delivery, mail, telefax, electronic mail, or other
9 means available to the public body and that identifies the
10 particular public record or records the requester seeks. One
11 request may identify multiple individual records to be
12 inspected or copied.

13 (Source: P.A. 97-579, eff. 8-26-11; 98-806, eff. 1-1-15;
14 98-1129, eff. 12-3-14; revised 12-19-14.)

15 Section 10. The Abused and Neglected Child Reporting Act is
16 amended by adding Section 7.3d as follows:

17 (325 ILCS 5/7.3d new)

18 Sec. 7.3d. Child care facility investigation workgroup.

19 (a) Legislative findings. The Department is charged with
20 the responsibility of investigating reports of abuse and
21 neglect of children and adult residents who are in child care
22 facilities statewide. Children in the care of the Department
23 who are placed in child care facilities licensed by the
24 Department, transitional living programs, or unlicensed foster

1 homes are particularly vulnerable to abuse and neglect. The
2 safety and well-being of the children of this State depends in
3 part on the quality of investigations of allegations of abuse
4 or neglect in these living environments.

5 (b) Workgroup. On or before January 1, 2016, the Department
6 shall convene a multi-disciplinary child care facility
7 investigation workgroup to identify areas for improvement in
8 the quality of investigations of allegations of child abuse or
9 neglect. The workgroup shall consist of at least one member
10 from each of the following categories:

11 (1) A representative of the Department, including at
12 least one individual who is familiar with existing rules,
13 procedures, and policies of the Department related to
14 investigations of child abuse or neglect.

15 (2) A representative of a child advocacy organization.

16 (3) A representative of a parent advocacy
17 organization.

18 (4) A representative of a child welfare agency
19 specializing in foster care.

20 (5) A representative of the Multidisciplinary
21 Pediatric Education and Evaluation Consortium.

22 (6) A representative of a child welfare agency
23 specializing in residential treatment.

24 (7) A licensed mental health professional who has
25 experience in working with abused and neglected children.

26 (c) Records and information. The Department shall provide

1 to the workgroup, upon request, all records and information in
2 the Department's possession relevant to the workgroup's review
3 of reports of abuse or neglect made to the Department's
4 State-wide, toll free telephone number established under
5 Section 7.6, and relevant to the workgroup's review of
6 investigations of allegations of abuse or neglect of children
7 or adult residents who are in child care facilities licensed by
8 the Department under the Child Care Act of 1969, transitional
9 living programs, or unlicensed foster homes.

10 (d) Review of indicated and unfounded reports. The
11 workgroup shall review randomly selected samples of indicated
12 and unfounded reports, including investigations of allegations
13 of abuse or neglect of children or adult residents who are in
14 child care facilities licensed by the Department under the
15 Child Care Act of 1969, transitional living programs, or
16 unlicensed foster homes. The workgroup shall also review a
17 random sample of records of calls made to the Department's
18 State-wide, toll free telephone number established under
19 Section 7.6 where investigations were not initiated, including
20 those referred to licensing or taken for information only.

21 (e) Confidentiality.

22 (1) Meetings of the workgroup shall be closed to the
23 public and are not subject to the Open Meetings Act, as
24 provided in that Act.

25 (2) Records and information provided to the workgroup
26 and records maintained by the workgroup are confidential

1 and are not subject to the Freedom of Information Act, as
2 provided in that Act.

3 (3) All reports and recommendations of the workgroup
4 shall be written in a manner that protects the
5 confidentiality of all persons referenced in any documents
6 reviewed.

7 (f) Report. The workgroup shall prepare and provide a
8 report to the General Assembly no later than January 1, 2017.

9 The report shall:

10 (1) identify areas of needed improvement in the manner
11 and quality of investigations of allegations of abuse or
12 neglect of children or adult residents who are in child
13 care facilities licensed by the Department under the Child
14 Care Act of 1969, transitional living programs, or
15 unlicensed foster homes;

16 (2) make recommendations regarding needed amendments
17 to existing laws and rules and procedures of the Department
18 to improve the manner and quality of investigations of
19 allegations of abuse or neglect of children or adult
20 residents who are in child care facilities licensed by the
21 Department under the Child Care Act of 1969, transitional
22 living programs, or unlicensed foster homes.

23 (g) Implementation. No later than March 1, 2017, the
24 Department shall implement the workgroup's recommendations, as
25 feasible and appropriate, and shall submit a written report to
26 the General Assembly that explains the Department's decision to

1 implement or to not implement each of the workgroup's
2 recommendations.